

STAYED,TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-01627-RC**

WITTES v. U.S. DEPARTMENT OF JUSTICE et al  
Assigned to: Judge Rudolph Contreras  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/11/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****BENJAMIN WITTES**

represented by **Justin G. Florence**  
PROTECT DEMOCRACY PROJECT  
2020 Pennsylvania Avenue, NW  
#163  
Washington, DC 20006  
(202) 599-0466  
Fax: (929) 777-8428  
Email: [justin.florence@protectdemocracy.org](mailto:justin.florence@protectdemocracy.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Laurence M. Schwartztol**  
PROTECT DEMOCRACY PROJECT  
2020 Pennsylvania Avenue, NW  
#163  
Washington, DC 20006  
(202) 945-2092  
Fax: (929) 777-8428  
Email: [larry.schwartztol@protectdemocracy.org](mailto:larry.schwartztol@protectdemocracy.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. DEPARTMENT OF JUSTICE**

represented by **Chetan A. Patil**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division  
1100 L Street, NW  
Room 12518  
Washington, DC 20530  
(202) 305-4968  
Fax: (202) 616-8470  
Email: [chetan.patil@usdoj.gov](mailto:chetan.patil@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****OFFICE OF MANAGEMENT AND BUDGET**

represented by **Chetan A. Patil**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/11/2017	<u>1</u>	COMPLAINT against ALL DEFENDANTS ( Filing fee \$ 400 receipt number 0090-5071293) filed by BENJAMIN WITTES. (Attachments: # <u>1</u> Exhibit Ex. A, # <u>2</u> Exhibit Ex. B, # <u>3</u> Exhibit Ex. C, # <u>4</u> Exhibit Ex. D, # <u>5</u> Exhibit Ex. E, # <u>6</u> Exhibit Ex.

		F, # <u>7</u> Exhibit Ex. G, # <u>8</u> Civil Cover Sheet, # <u>9</u> Summons Attorney General, # <u>10</u> Summons U.S. Attorney, # <u>11</u> Summons OMB, # <u>12</u> Summons DOJ)(Florence, Justin) (Entered: 08/11/2017)
08/11/2017		Case Assigned to Judge Rudolph Contreras. (md) (Entered: 08/14/2017)
08/14/2017	<u>2</u>	SUMMONS (4) Issued Electronically as to OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 08/14/2017)
09/08/2017	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/28/2017. Answer due for ALL FEDERAL DEFENDANTS by 9/27/2017. (Florence, Justin) (Entered: 09/08/2017)
09/08/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/28/2017. (Florence, Justin) (Entered: 09/08/2017)
09/08/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 8/28/2017; U.S. DEPARTMENT OF JUSTICE served on 8/28/2017 (Florence, Justin) (Entered: 09/08/2017)
09/27/2017	<u>6</u>	NOTICE of Appearance by Chetan A. Patil on behalf of OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE (Patil, Chetan) (Entered: 09/27/2017)
09/27/2017	<u>7</u>	ANSWER to Complaint by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE.(Patil, Chetan) (Entered: 09/27/2017)
09/28/2017		MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and jointly submit a proposed briefing schedule by October 12, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on September 27, 2017. (lcrc2) (Entered: 09/28/2017)
10/12/2017	<u>8</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 10/12/2017)
10/12/2017		MINUTE ORDER: Upon consideration of <u>8</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before November 13, 2017. Signed by Judge Rudolph Contreras on October 12, 2017. (lcrc2) (Entered: 10/12/2017)
10/13/2017	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Laurence M. Schwartztol, :Firm– The Protect Democracy Project, Inc., :Address– 10 Ware Street, Cambridge, MA 02138. Phone No. – (202) 856–9191. Fax No. – (929) 777–8428 Filing fee \$ 100, receipt number 0090–5157684. Fee Status: Fee Paid. by BENJAMIN WITTES (Attachments: # <u>1</u> Declaration of Laurence M. Schwartztol in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Granting Motion for Admission of Attorney Laurence M. Schwartztol Pro Hac Vice, # <u>3</u> Certificate of Service)(Florence, Justin) (Entered: 10/13/2017)
10/13/2017		MINUTE ORDER granting <u>9</u> Motion for Leave to Appear Pro Hac Vice: Pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that Laurence M. Schwartztol is admitted to represent Plaintiff pro hac vice in this case. SO ORDERED. Signed by Judge Rudolph Contreras on October 13, 2017. (lcrc2) (Entered: 10/13/2017)
10/17/2017		Set/Reset Deadlines: Status Report due by 11/13/2017 (tj) (Entered: 10/17/2017)
11/13/2017	<u>10</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 11/13/2017)
11/14/2017		MINUTE ORDER: Upon consideration of <u>10</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before December 12, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on November 13, 2017. (lcrc2) (Entered: 11/14/2017)

12/12/2017	<u>11</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 12/12/2017)
12/13/2017		MINUTE ORDER: Upon consideration of <u>11</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report by January 28, 2018. It is FURTHER ORDERED that the parties shall appear for a status hearing on February 1, 2018 at 10:00 a.m. in Courtroom 14 before Judge Rudolph Contreras. SO ORDERED. Signed by Judge Rudolph Contreras on December 13, 2017. (lcrc2) (Entered: 12/13/2017)
12/13/2017		Set/Reset Deadlines/Hearings: Status Report due by 1/28/2018; Status Conference set for 2/1/2018 at 10:00 AM in Courtroom 14 before Judge Rudolph Contreras. (tj) (Entered: 12/13/2017)
01/29/2018	<u>12</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit Plaintiff's Exhibit A)(Patil, Chetan) (Entered: 01/29/2018)
02/01/2018		Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference held on 2/1/2018. Parties advise the court of the status of this action. Order to follow. (Court Reporter: Patricia Kaneshiro Miller.) (tj) (Entered: 02/01/2018)
02/02/2018		MINUTE ORDER: The parties shall process and produce records according to the schedule established at the February 1, 2018, status conference. It is hereby ORDERED that the parties shall submit another joint status report on or before May 25, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on February 2, 2018. (lcrc2) (Entered: 02/02/2018)
02/02/2018		Set/Reset Deadlines: Status Report due by 5/25/2018 (tj) (Entered: 02/02/2018)
02/16/2018	<u>13</u>	TRANSCRIPT OF PROCEEDINGS before Judge Rudolph Contreras held on February 1, 2018; Page Numbers: 1–14. Date of Issuance: February 16, 2018. Court Reporter/Transcriber Patricia A Kaneshiro–Miller, Telephone number 202–354–3243, Tape Number: Patricia_Kaneshiro–Miller@dcd.uscourts.gov. Transcripts may be ordered by submitting the <a href="http://www.dcd.uscourts.gov/node/110">Transcript Order Form</a><P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.<P> <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P>Redaction Request due 3/9/2018. Redacted Transcript Deadline set for 3/19/2018. Release of Transcript Restriction set for 5/17/2018.(pk) (Entered: 02/16/2018)
02/28/2018	<u>14</u>	Consent MOTION for Extension of Time to <i>Produce Records</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Patil, Chetan) (Entered: 02/28/2018)
02/28/2018		MINUTE ORDER granting <u>14</u> Defendant's Consent Motion to Extend the Date for First Release of Records: It is hereby ORDERED that the Department of Justice's Office of Information Policy shall produce the records formerly due on February 28, 2018 by March 2, 2018. Signed by Judge Rudolph Contreras on February 28, 2018. (lcrc2) (Entered: 02/28/2018)
03/28/2018	<u>15</u>	Consent MOTION for Extension of Time to <i>Produce Records</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Patil, Chetan) (Entered: 03/28/2018)
03/29/2018		MINUTE ORDER granting <u>15</u> Defendant's Consent Motion to Extend the Date for First Release of Records: It is hereby ORDERED that the Department of Justice's Office of Information Policy shall produce the records formerly due on March 28, 2018 by April 4, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on March 29, 2018. (lcrc2) (Entered: 03/29/2018)

05/25/2018	<u>16</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 05/25/2018)
05/25/2018		MINUTE ORDER: Upon consideration of <u>16</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report by June 25, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on May 25, 2018. (lcrc2) (Entered: 05/25/2018)
05/25/2018		Set/Reset Deadlines: Status Report due by 6/25/2018 (tj) (Entered: 05/25/2018)
06/29/2018	<u>17</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 06/29/2018)
06/29/2018		MINUTE ORDER: Upon consideration of <u>17</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report by July 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on June 29, 2018. (lcrc2) (Entered: 06/29/2018)
06/29/2018		Set/Reset Deadlines: Status Report due by 7/30/2018 (tj) (Entered: 06/29/2018)
07/30/2018	<u>18</u>	Joint STATUS REPORT by BENJAMIN WITTES. (Schwartztol, Laurence) (Entered: 07/30/2018)
07/30/2018		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report by August 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on July 30, 2018. (lcrc2) (Entered: 07/30/2018)
07/31/2018		Set/Reset Deadlines: Joint Status Report due by 8/30/2018 (hs) (Entered: 07/31/2018)
08/29/2018	<u>19</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 08/29/2018)
08/29/2018		MINUTE ORDER: Upon consideration of <u>19</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report by October 22, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on August 29, 2018. (lcrc2) (Entered: 08/29/2018)
08/29/2018		Set/Reset Deadlines: Status Report due by 10/22/2018 (tj) (Entered: 08/29/2018)
10/16/2018	<u>20</u>	NOTICE of Change of Address by Chetan A. Patil (Patil, Chetan) (Entered: 10/16/2018)
10/22/2018	<u>21</u>	Joint STATUS REPORT by BENJAMIN WITTES. (Schwartztol, Laurence) (Entered: 10/22/2018)
10/23/2018		MINUTE ORDER: Upon consideration of <u>21</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report by November 29, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 10/23/2018. (lcrc2) (Entered: 10/23/2018)
11/29/2018	<u>22</u>	Joint STATUS REPORT by BENJAMIN WITTES. (Schwartztol, Laurence) (Entered: 11/29/2018)
11/30/2018		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by January 4, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on November 30, 2018. (lcrc2) (Entered: 11/30/2018)
11/30/2018		Set/Reset Deadlines: Status Report due by 1/4/2019 (tj) (Entered: 11/30/2018)
12/26/2018	<u>23</u>	Consent MOTION to Stay <i>Deadlines in light of Lapse of Appropriations</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Patil, Chetan) (Entered: 12/26/2018)
01/23/2019		MINUTE ORDER granting <u>23</u> Motion to Stay: It is hereby ORDERED that this case is STAYED until appropriations are restored to the Department of Justice. The joint status report that was due on January 4, 2019 shall now be filed within seven days of appropriations being restored. SO ORDERED. Signed by Judge Rudolph Contreras on January 23, 2019. (lcrc2) (Entered: 01/23/2019)

02/01/2019	<u>24</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: Upon consideration of <u>24</u> the parties' Joint Status Report, it is hereby ORDERED that the parties will file another joint status report by March 4, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on February 1, 2019. (lcrc2) (Entered: 02/01/2019)
02/06/2019		Set/Reset Deadlines: Status Report due by 3/4/2019. (tj) (Entered: 02/06/2019)
03/04/2019	<u>25</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 03/04/2019)
03/04/2019		MINUTE ORDER: Upon consideration of <u>25</u> the parties' Joint Status Report, it is hereby ORDERED that the parties will file another joint status report by April 4, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on March 4, 2019. (lcrc2) (Entered: 03/04/2019)
03/06/2019		Set/Reset Deadlines: Status Report due by 4/4/2019 (tj) (Entered: 03/06/2019)
04/04/2019	<u>26</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE. (Patil, Chetan) (Entered: 04/04/2019)
04/04/2019		MINUTE ORDER: Upon consideration of <u>26</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by May 6, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on April 4, 2019. (lcrc2) (Entered: 04/04/2019)
04/05/2019		Set/Reset Deadlines: Status Report due by 5/6/2019 (tj) (Entered: 04/05/2019)